

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 05-12292
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT November 1, 2005 THOMAS K. KAHN CLERK

D. C. Docket No. 99-00600-CV-JAL

PHOENICIAN IMPORTS, INC.,
d.b.a. Azhar's Oriental Rugs,

Plaintiff-Counter-Defendant-Appellee,

versus

FEDERAL EXPRESS, CORP.,

Defendant-Counter-Claimant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(November 1, 2005)

Before TJOFLET, BIRCH and DUBINA, Circuit Judges.

PER CURIAM:

This is the third time we have considered an appeal in this case. Phoenician brought its action under the Warsaw Convention and claimed damages resulting from Federal Express's delay and delivery of goods. On November 28, 2001, a panel of our court affirmed the district court's dismissal of Phoenician's amended complaint against Federal Express but concluded that the district court abused its discretion in dismissing Phoenician's amended complaint without first allowing Phoenician leave to amend to restate its claims. *Phoenician Imports, Inc. v. Fed. Express Corp.*, No. 01-12417 (11th Cir. Nov. 28, 2001) ("Phoenician I"). After Phoenician amended its complaint, the case was tried to a jury and a judgment was entered on the jury's verdict against Federal Express. We affirmed the district court's judgment entered on the jury's verdict. *Phoenician Imports, Inc. v. Fed. Express Corp.*, No. 04-14767 (11th Cir. June 14, 2005) ("Phoenician II").

In the present appeal, Federal Express appeals the judgment of the district court adopting a report and recommendation of a magistrate judge awarding Phoenician attorney's fees, costs and prejudgment interest.

After reviewing the record, and reading the parties' briefs, we affirm the district court's award of attorney's fees based on the reasoning contained in the report and recommendation of the magistrate judge filed on August 17, 2004, and

on the district court's order adopting the report and recommendation of the magistrate judge filed on March 22, 2005.

AFFIRMED.